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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,006	11/13/2000	Martin Peller	951/49166	1896
7590	04/19/2004		EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 Washington, DC 20044-4300			CHO, JAMES HYONCHOL	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/646,006	PELLER, MARTIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Cho	2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 5-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 5,6 and 9 is/are rejected.  
 7) Claim(s) 7,8 and 10 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed January 22, 2004.
2. The notice of appeal filed on January 22, 2004 is not acceptable under 37 CFR 1.191(a) because there has been no second or final rejection in this patent application.

### ***Specification***

3. The disclosure is remained to be objected to because of the following informalities: the wording, "The number of the input and outputs of the gate corresponds to " on line 12-13 of page 4 appears to be --The number of the inputs of the gate corresponds to-- since the AND gate shown in the figure has only one output.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tominaga et al. (A Network Architecture with Distributed Switching Function for Optical Fiber Links, Proceedings Computer Networks COMPCON 82 Fall, September 1982, pp. 478-483).

Regarding claims 5 and 9, Figs. 1(a) and (b) of Tominaga et al. discloses a data bus for a plurality of nodes (nodes where O/E and E/O are connected to the transmission lines) which exchange data with one another over at least one electrical line and the method of exchanging data among the plurality of nodes, the data bus comprising a plurality of data exchange modules (first module comprising the O/E and E/O on the top, a second modules comprising the O/E and E/O on the middle, a third modules comprising the O/E and E/O on the bottom) each having a first input (input to the O/E) for receiving input data from respective ones of the plurality of nodes and providing a corresponding electrical output signal (O/E converts optical signal to electrical signal), a logic decision gate (OR gate in Fig. 1(a), Fig. 1(a) is the logical configuration of physical configuration Fig. 1(b)) having a plurality of inputs (three inputs to OR gate) with each input receiving the respective electrical output signal where a single output of the decision gate is connected to a second input of each of the plurality data exchange modules (input to E/O).

Regarding claim 6, Fig. 1(a) of Tominaga et al. discloses the data bus according to Claim 5 where each of the data exchange modules comprises an opto-electrical transducer (O/E) where an output of the nodes is connected through an optical transmission element (fiber) to the opto-electrical transducer.

***Allowable Subject Matter***

5. Claims 7-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed January 22, 2004 have been fully considered but they are not deemed to be persuasive regarding claims 5-6 and 9.

On pages 8-9 of the amendment, applicant argues that "independent claims 5 and 9 provides subject matter not shown by the reference" because the reference, Fig. 1a of Tominaga et al. does not have any actual construction containing logical gates. However, the examiner notes that Fig. 1(a) clearly discloses the logic decision gate as broadly recited in claims 5 and 9. The physical implementation of the logic OR gate in Fig. 1(a) can be accomplished by many electrical circuits, e.g. shown in Fig. 1(b). Therefore Fig. 1(a) of Tominaga clearly teaches all limitation as broadly recited in claims 5 and 9.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

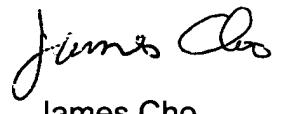
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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Cho whose telephone number is 571-272-1802. The examiner can normally be reached on M-F 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Cho  
Primary Examiner  
Art Unit 2819

April 14, 2004